

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Samuel B. Foster, Jr.,

Plaintiff,

-against-

City of New York and NYC Health +
Hospitals,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/13/2023

1:23-cv-02861 (DEH) (SDA)

ORDER OF SERVICE

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

Plaintiff, who is a pretrial detainee currently confined in the West Facility on Rikers Island, brings this action *pro se* under 42 U.S.C. § 1983, alleging unconstitutional conditions of confinement, which includes receiving inadequate medical care while he was confined in the George R. Vierno Center (“GRVC”) on Rikers Island. By Order dated April 12, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. On July 7, 2023, the Court entered an Order of Service with respect to the original Complaint. (Order of Service, ECF No. 7.) Plaintiff filed an Amended Complaint on December 12, 2023. (Am. Compl., ECF No. 24.)

I. Department of Correction And Department of Health

As part of the July 7, 2023 Order of Service, the Court directed the Clerk of Court to amend the caption of this action to replace the Department of Correction (“DOC”) with the City of New York and replace “N.Y.C. Health” with NYC Health + Hospitals (“H+H”). (See Order of Service at 2-3 (citing Fed. R. Civ. P. 21).) In the Amended Complaint, Plaintiff again names DOC as a defendant, as well as “New York City Dept. of Health.” (See Am. Compl.) The Court understands the New

York City Dept. of Health to be a reference to H+H, which provides health services to individuals detained at Rikers Island, among others. (See Order of Service at 2.) Accordingly, as in the first Order of Service, in light of Plaintiff's *pro se* status and clear intention to assert claims against the City of New York and H+H, the Court construes the Amended Complaint as asserting claims against those entities and directs the Clerk of Court to restore those defendants to the docket.

II. DOC Defendants

The Court requests that Defendants C.O. Sincere Crowell and Capt. Gentry waive service pursuant to the e-service agreement for cases involving DOC defendants.

III. Defendant Blackmore

To allow Plaintiff to effect service on Defendant Blackmore through the U.S. Marshals Service, the Clerk of Court is instructed to complete a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") using the following address:

Larry Blackmore, PA
c/o Gwendolyn Renee Tarver
PAGNY-Correctional Health Services
49-04 19th Avenue 1st Floor
Astoria, New York 1110

The Clerk of Court shall further issue a summons and deliver to the Marshals Service all of the necessary paperwork—including the Amended Complaint (ECF No. 24) for the Marshals Service to effect service of the entire pleading upon Defendant Blackmore.

SO ORDERED.

Dated: New York, New York
December 13, 2023



STEWART D. AARON
United States Magistrate Judge